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August 5, 2010

Thomasena Duncan, Esq
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR # 6346

RECEIVED
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COMMISSION
2010 AUG -6 PM 3:21
OFFICE OF GENERAL
COUNSEL

Re Complaint Against Cornerstone Action and Friends of Kelly Ayotte

Dear Ms Duncan

This letter constitutes a formal complaint filed pursuant to 2 USC § 437g(a)(1) against Cornerstone Action, a Section 501(c)(4) entity operating in New Hampshire, and Friends of Kelly Ayotte, the principal campaign committee of Kelly Ayotte, a Republican candidate for U S Senate in New Hampshire. Based upon information and belief, set forth below and in the attached materials, the Bill Binnie for U S Senate Campaign ("Binnie Campaign") believes that Cornerstone Action and Friends of Kelly Ayotte ("Ayotte Campaign") have violated the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("Commission") regulations by coordinating certain public communications.

I Factual Background

A. Cornerstone Action

Upon information and belief, Cornerstone Action is a tax exempt organization under Section 501(c)(4) of the Internal Revenue Code and is the legislative and lobbying arm of Cornerstone Policy Research, a Section 501(c)(3) organization. See About Us, Cornerstone Action, http://www.cpraction.org/about_us.htm (last visited Aug 4, 2010) (attached hereto as Exhibit 1). Although Cornerstone Action has not specifically endorsed a candidate in the New Hampshire U S Senate Republican primary, two Republican candidates are said to have passed Cornerstone Action's "litmus test of right-wing thinking." See Kevin Landrigan, Ad Operations: Conservative Senate Hopeful, Nashua Telegraph, July, 23, 2010, <http://www.nashuatelegraph.com/news/stories/landrigan/03022-227/ad-operations-conservative-senate-hopeful.html> (Exhibit 2).

P O Box 600, Portsmouth, NH 03802-0600
603 319 8124 • www.binnie2010.com

PAID FOR BY BILL BINNIE FOR US SENATE

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B. Television Advertisement Entitled "The Feeling is Mutual"

On August 4, 2010, Cornerstone Action began airing a television advertisement, entitled "The Feeling is Mutual," which attacks Bill Binnie, a candidate in the New Hampshire U S Senate primary. This advertisement, which may viewed online at <http://www.cpraction.org>, uses video footage that upon information and belief was recorded by a former Ayotte Campaign employee, Harold Parker. See Affidavit of Matt Mayberry (Exhibit 3)

C. Kevin H. Smith

Upon information and belief, Kevin H Smith is currently the Executive Director of both Cornerstone Action and Cornerstone Policy Research. See About Our Executive Director, Cornerstone Action, <http://www.cpraction.org/ed.htm> (last visited Aug 4, 2010) (Exhibit 4). In addition to being an outspoken critic of Bill Binnie, Mr Smith has long-standing personal and professional ties to Kelly Ayotte. Mr Smith and Ms Ayotte reportedly worked together in the office of Governor Craig Benson and both regularly attended Executive Council meetings together. See Landry, Ad Questions Cornerstone Senate Hopful (Exhibit 2), Garry Rappo, Besse Fee Another Registering Battle, N H Union-Leader, Dec 21, 2003, at A3 (Exhibit 5). Mr Smith and Ms Ayotte were reportedly both part of the same anti-gambling coalition and were invited to the same social events. See John Distaso, AG Releases Thousands of Ayotte E-mails, N H Union-Leader, July 9, 2010 (Exhibit 6). Shortly after Ms Ayotte resigned as Attorney General on July 7, 2009, Mr Smith contacted Ms Ayotte to ask her for a good contact number at which he could reach her. See id.

II. There Is Reason To Believe That Cornerstone Action and Friends of Kelly Ayotte Violated FECA By Disseminating Coordinated Communications

When an outside organization, such as Cornerstone Action, makes an expenditure for a communication that is coordinated with a candidate or candidate's campaign committee, the communication is an in-kind contribution to the candidate and is subject to the Act's contribution limits and prohibitions. See 11 C.F.R. § 109.20. When the outside organization, such as Cornerstone Action, makes such coordinated communications and raises and spends funds outside of the contribution limits, source prohibitions, and reporting requirements of the Act, the communication is also a prohibited corporate in-kind contribution to the candidate. See 2 U.S.C. § 441b, see also 11 C.F.R. § 109.22. Commission regulations establish a three-pronged test for determining whether a communication is coordinated with a candidate and, as established below, the activities of Cornerstone Action satisfy all three prongs. Accordingly, there is reason to believe that Cornerstone Action made a prohibited corporate and in-kind contribution to the Ayotte Campaign when it paid for television advertisements that were illegally coordinated with the

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Ayotte Campaign, and there is also reason to believe that the Ayotte Campaign accepted such prohibited and excessive contributions

A. Cornerstone Action and Friends of Kelly Ayotte Illegally Coordinated Their Activities.

1. Payment Prong

In order for the payment prong of the Commission's coordination regulations to be satisfied, an entity apart from the candidate or the candidate's campaign committee must pay, in whole or in part, for the communication. See 11 C.F.R. §109.21(a)(1). This prong is satisfied when an entity apart from the candidate or the candidate's campaign committee pays for a communication at issue. Cornerstone Action satisfied the payment prong by paying for the communication at issue. See John Distaso, Bonnie In Crosshairs of Conservative Group, NH Union-Leader, Aug. 4, 2010 (Exhibit 7).

2. Content Prong

In order for the content prong to be satisfied, the communication must be considered a public communication¹ and must meet any one of the following standards: (1) the public communication republishes, disseminates, or distributes candidate campaign materials, (2) the public communication expressly advocates the election or defeat of a clearly identified federal candidate at any time, or (3) the public communication refers to a clearly identified House or Senate candidate and is publicly distributed in the candidate's jurisdiction within ninety (90) days of the candidate's primary or general election. See 11 C.F.R. § 109.21(c).

Cornerstone Action's television advertisement qualifies as a public communication and refers to a clearly identified US Senate candidate, Bill Bonior. The advertisement was publicly distributed in New Hampshire, the candidate's jurisdiction, and such distribution began on August 4, 2010, which is within ninety days of New Hampshire's primary election. See Distaso, Bonnie In Crosshairs of Conservative Group (Exhibit 7). Accordingly, Cornerstone Action's television advertisement satisfies the content prong.

3. Conduct Prong

In order for the conduct prong of the Commission's coordination regulations to be satisfied, any one of the following standards must be met:

¹ "Public communication means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising. The term general public political advertising shall not include communications sent via the Internet, except for communications placed for a fee on another person's Web site." 11 C.F.R. § 100.26

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Request or Suggestion The conduct prong is met if the person creating, producing, or distributing the communication does so at the request or suggestion of a candidate, authorized committee, or any agent thereof, or if the person paying for the communication suggests the creation, production, or distribution of the communication to the candidate, authorized committee, or any agents thereof, and the candidate assents to the suggestion. See 11 C.F.R. § 109.21(d)(1)

Material Involvement The conduct prong is met if a candidate, authorized committee, or any agents thereof, are "materially involved" in the decisionmaking regarding the (1) content of the communication, (2) intended audience, (3) means or mode of the communication, (4) specific media outlet used, (5) timing or frequency of the communication, or (6) size or prominence of a printed communication or duration of a communication by means of broadcast, cable, or satellite. See 11 C.F.R. § 109.21(d)(2)

Substantial Discussion The conduct prong is met if a communication is created, produced, or distributed after one or more substantial discussions between the individual paying for the communication (or the person's agents) and the candidate or candidate's opponent (or the candidate's agents). A discussion is "substantial" if information about the plans, projects, activities, or needs of the candidate that is material to the creation, production, or distribution of the communication is conveyed to the individual paying for the communication. See 11 C.F.R. § 109.21(d)(3)

Employment of Common Vendor The conduct prong is met if the following three things occur: (1) the person paying for the communication contracts with, or employs, a commercial vendor to create, produce, or distribute the communication, (2) the commercial vendor, including any agents, has a current or previous relationship (within the last 120 days) with the candidate that puts the commercial vendor in a position to acquire information about the campaign's plans, projects, activities, or needs of the candidate, and (3) the commercial vendor uses or conveys information about the campaign's plans, projects, activities, or needs of the candidate, or information previously used by the commercial vendor in serving the candidate, to the person paying for the communication, and that information is material to the creation, production, or distribution of the communication. See 11 C.F.R. § 109.21(d)(4)

Former Employee or Independent Contractor The conduct prong is met if the person paying for the communication (or the person's employees) have previously been an employee or independent contractor of a candidate's campaign committee during the 126 days prior to production of the communication. In addition, the former employee or independent contractor uses or conveys information about the plans, projects, activities, or needs of the candidate, or information used by the former employee in serving the candidate, to the person paying for the communication, and that information is material to the creation, production, or distribution of the communication. See 11 C.F.R. § 109.21(d)(5)

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Cornerstone Action's television advertisement clearly satisfies the material involvement standard of the conduct prong of the Commission's coordination regulations because the communication uses video footage obtained from a then-Ayotte Campaign employee. See Mayberry Affidavit at ¶¶ 4-6 (Exhibit 3). This conduct satisfies the material involvement prong because Harold Parker, then an employee and agent of the Ayotte Campaign, appears to have provided video footage to Cornerstone Action that was subsequently used in the television advertisement. A Binnie Campaign employee was present when this footage was recorded and attests that Mr. Parker recorded the footage and that this recording is the same footage that appears in the Cornerstone Action television advertisement. See Mayberry Affidavit at ¶ 8 (Exhibit 3).

Given the long-standing professional relationship between Mr. Smith and Ms. Ayotte and the nature of Cornerstone Action's television advertisement attacking Bill Binnie, it is reasonable to conclude that Cornerstone Action became aware of the existence of this video footage and was provided the footage through an agent of the Ayotte Campaign. Accordingly, the Binnie Campaign has reason to believe that an agent of the Ayotte Campaign provided Cornerstone Action with video footage subsequently used in the television advertisement, which resulted in illegal coordination under Commission regulations and caused Cornerstone Action to make an excessive and prohibited in-kind contribution which was accepted by the Ayotte Campaign.

B There is Reason to Believe That Cornerstone Action Made a Prohibited Corporate In-Kind Contribution to the Ayotte Campaign in Violation of the Act.

As outlined above, when an outside organization, such as Cornerstone Action, pays for a communication that is coordinated with a candidate or candidate's campaign committee, the cost of such a coordinated communication constitutes an in-kind contribution to the candidate under the Act. See 11 C.F.R. §§ 109.20, 109.21. Furthermore, corporations are prohibited from making direct or in-kind contributions to federal candidates and committees. See 2 U.S.C. § 441b.

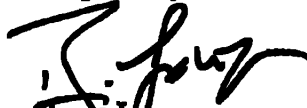
As set forth in Part I herein, Cornerstone Action made an excessive and prohibited in-kind contribution to the Ayotte Campaign when it disseminated communications that were coordinated with the Ayotte Campaign. Cornerstone Action is a Section 501(c)(4) organization and most 501(c)(4) entities are incorporated. As a Section 501(c)(4) organization, Cornerstone Action may receive contributions in amounts and from sources that do not comply with the Act's limitations, prohibitions, and reporting requirements, including unlimited corporate and individual contributions. In light of the foregoing, there is reason to believe that Cornerstone Action made and the Ayotte Campaign accepted a prohibited corporate contribution in the form of the coordinated communications.

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Accordingly, Bill Binnie for US Senate respectfully requests that the Commission conduct an immediate and thorough investigation into the violations outlined above and impose the maximum penalty under the Act for any legal violations that occurred


The above is correct and accurate to the best of my knowledge, information, and belief

Respectfully submitted,



Ryan Lanza
Campaign Manager
Bill Binnie for US Senate

SWORN TO AND SUBSCRIBED before me on this 5th of August, 2010


Notary Public

My commission expires

July 15, 2014

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EXHIBIT 1

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Who Are We?

CORNERSTONE ACTION AND CORNERSTONE POLICY RESEARCH are both non partisan nonprofit advocacy and education organizations dedicated to the preservation of strong families limited government and free enterprise. We believe that the traditional family is the fundamental building block of any healthy society and as such deserves to be protected and strengthened.

Cornerstone Action and Cornerstone Policy Research are both tax exempt organizations. Though for tax purposes Cornerstone Action as the legislative arm has been designated a 501c4 by the IRS while Cornerstone Policy Research has been designated a 501c3.

As one of 37 designated Family Policy Councils Cornerstone conducts policy analysis promotes responsible and informed citizenship facilitates strategic leadership involvement, and influences public opinion.

What services do we perform?

Cornerstone Action and Cornerstone Policy Research provide an array of research and advocacy services to policy makers, members of the media faith based organizations, and the general populous including:

- providing evidence based testimony and detailed analysis at legislative hearings
- providing media outlets with timely press releases with commentary on pertinent topics
- providing policy makers and the general public with on going educational seminars resources, white papers and internet commentaries on issues pertaining to the family
- providing the most up to date information to our members utilizing a services through our website, e-newsletter and blogging
- enhancing citizen involvement and advocacy through our Action Alerts technology, which not only allows for up-to the minute information via the web but instantly connects our members to their elected officials
- enhance public outreach through tv ads, newspaper ads, radio spots, phone surveys, generating on line petitions "post card" campaigns, facilitating State House rallies, and the dissemination of voter guides and voter score cards
- facilitating leadership involvement by establishing professional advisory boards to provide counsel and influence forming strategic coalitions with like minded organizations and outreach to the leadership and members within faith based communities
- living out our mission by sponsoring, promoting and performing community and state-wide work to foster a movement to affirm and strengthen families

What are the desired outcomes we seek?

Cornerstone believes that one person can make a difference in his or her community. In our democratic-republic form of government, public policies essentially stem from the values, attitudes and behavior of people and institutions. Therefore changing laws without changing the hearts minds and lives of people proves futile. We believe that influence over hearts and minds are earned by compassion in service wisdom in relationships and intellectual excellence in persuasion.

Stemming from this belief it is the goal of Cornerstone to influence policy debate both in public discourse and in the halls of the legislature. We believe that an educated public will result in the election of public officials to ensure that policies detrimental to the traditional family structure are defeated, while policies that strengthen the family unit are promoted and adopted.

In addition to this Cornerstone is committed to living out its core beliefs by promoting and sponsoring community events throughout the State, that aim to foster a spirit of collaboration and involvement awareness through education and strengthen the bonds of family togetherness.

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EXHIBIT 2



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To print this article if a print dialogue does not open automatically, open the File menu and choose Print

[Back](#)

Ad questions conservative Senate hopeful

By KEVIN LANDRIGAN Staff Writer

CONCORD – A fiscally and socially conservative group blasted Republican Senate candidate Bill Binnie on Thursday, with a full-throated attack ad on radio using Binnie's own words to conclude he's "shockingly liberal."

Cornerstone Action is unlikely to endorse anyone in this crowded Senate primary with GOP rivals Ovide Lamontagne, of Manchester, and Kelly Ayotte, of Nashua, said to both pass the group's litmus test of right-wing thinking.

But Executive Director Kevin Smith said there were so many left-leaning positions the New Castle businessman has taken he couldn't squeeze them all into a one-minute spot.

While Ayotte was coming under withering attacks from Democratic nominee-to-be Paul Hodes, Binnie was spending \$3.5 million of his own money putting up gauzy spots masquerading as a conservative, Smith charged.

Here's a stinging portion on the ad script for the statewide radio buy in the "tens of thousands" over the next week, Smith confirmed.

Man: "Sweetheart, have you seen Bill Binnie's ads on TV? Or all those mailers? He seems like a very interesting candidate for U.S. Senate."

Woman: "I have, but did you know that his flashy ads are actually hiding his shockingly liberal positions on almost every issue?"

Man: "Shockingly liberal?"

Woman: "Yes. Did you know Bill Binnie said that he might have voted for the \$700 billion bank bailout? And he's excited about New Hampshire's new gay marriage law?"

Man: "Excited about gay marriage?"

Woman: "He's actually described himself as being intellectually liberal."

Smith said he would have expected by now that Binnie, a self-made, mega-millionaire, would have come under attack from other conservative candidates or organizations.

"We felt it was vitally important at this time that the voters know exactly where Mr. Binnie stands on issues that matter most to conservatives and Republicans," Smith said. "Mr. Binnie has spent a lot of money to this point portraying himself as a conservative candidate and has virtually gotten a free pass in doing so, but once you scratch below the surface you realize that there is actually very little between his positions and those of

Paul Hodes In fact, we couldn't even fit all that is 'shockingly liberal' about him in just a one-minute ad "

The ad goes on to attack Binnie's position on immigration, Obamacare and his past donations to Democrats, including Sen Jeanne Shaheen

"He is shockingly liberal What else isn't he telling us?" the radio ad male actor states near the end of the spot.

Binnie campaign manager Bryan Lanza condemned the ad with a statement

"The Cornerstone ad campaign is factually inaccurate Bill Binnie opposes TARP and all government bailouts He believes marriage should be between a man and a woman As a lifelong Republican, Binnie stands for fiscal conservatism, lower taxes, less spending, free enterprise and individual liberty," Lanza said

Cornerstone bought slightly more than \$10,000 worth of radio spots for the next week and will evaluate at that point whether to continue this campaign, Smith said

"In this case we feel this is not an attack ad, it's a fact ad," Smith said "We are telling folks where Bill Binnie stands on issues in his own words

"If you are trying to portray yourself as a conservative and someone is revealing your very liberal tendencies then he may be upset by that "

The ad is along the lines of a radio attack campaign the Republican Governors Association campaign launched against Massachusetts State Treasurer Tim Cahill, who is running for governor as an independent

Smith said that Binnie's camp reaction was predictable

"If you are trying to portray yourself as a conservative and someone is revealing your very liberal tendencies then he may be upset by that," Smith said "He shouldn't hide behind how he really feels on these issues He has publicly stated what his positions are "

In less than nine months, Binnie has gone from a political nobody who has never run for public office to a serious challenger to Ayotte for the GOP nomination in this bid to replace senior Sen Judd Gregg, who is retiring after three decades in public life

"Clearly Binnie has some momentum that Ayotte has had to try and pay close attention to This nomination is really up for grabs," said Dante Scala, politics professor at the University of New Hampshire in Durham

Cornerstone executive Smith, a former Londonderry Republican state legislator, has personal ties to both Lamontagne and Ayotte

He supported Lamontagne who in 1996 became the GOP nominee for governor before losing to Shaheen

Smith also worked in the office of ex-Republican Gov Craig Benson as did Ayotte, who briefly served as Benson's legal counsel before eventually becoming the first female attorney general in state history

Kevin Lanning can be reached at 321-7040 or klandngan@nashuatelegraph.com

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EXHIBIT 4

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**About Our Executive Director**

Kevin H. Smith served as a state representative to the New Hampshire Legislature from 1996-1998, earning the Christian Coalition's "Pro Family" House Member of the Year honor in 1998. He worked on staff for former United States Senator, Bob Smith, and former New Hampshire Governor, Craig Benson. Kevin also served as the Deputy Director for New Hampshire's Division for Juvenile Justice. He currently serves as the Executive Director for Cornerstone Policy Research.

Kevin graduated with his B.A. in Communications from the University of New Hampshire. In 2008, Kevin served as the president of the local chapter for the Public Relations Society of America. In addition to becoming Executive Director in 2009, Kevin was also appointed as one of 12 members to the New Hampshire Advisory Committee of the US Commission on Civil Rights. He was also included by *Politics* magazine as one of the "50 Most Influential Republicans in New Hampshire." He and his wife, Suzy, reside in Litchfield, NH with their three children.

[Click Here](#) for a piece that ran in the Concord Monitor in 2009 that gives a good analysis of our Executive Director and his leadership style.

EXHIBIT 5

NewsBank Search

Brace for another redistricting battle

SYNOPSIS: GARRY RAYNO

DATE: December 21, 2003

PUBLICATION: New Hampshire Sunday News (Manchester, NH)

EDITION: State

SECTION: News

PAGE: A3

COLUMN: STATE HOUSE DOME

EXPECT ANOTHER go-round over redistricting. At the beginning of the 2004 session, there will be an attempt to change some State House districts.

The current map was drawn by the state Supreme Court in 2002 after lawmakers could not agree on how to redraw the political boundaries to conform to the 2000 census figures.

The House Election Law Committee has a plan that makes about a dozen changes to districts, replacing multi-town districts into smaller units. Several of the changes have political implications that would -- as you might expect -- make it easier for Republicans to be elected in 2004.

The committee approved the plan on a 10-4 vote. Democrats filed a minority report protesting the changes.

The larger question is whether it is constitutional to change districts more than once every 10 years. That is sure to be addressed.

One major change is in Manchester where there are eight districts. Wards 4, 5, 6, 7, 8 and 9 are six individual districts with three representatives each. District 48 combines Wards 1 and 12 with six representatives. District 50 sprawls across the city, covering Wards 2, 3, 10 and 11 with 11 representatives.

According to House Democratic Whip Raymond Buckley of Manchester, the new plan is supported by the city delegation and would not displace any incumbents, unlike some other proposed changes.

Under the new plan, Wards 1, 2, 3, 4, 5, 6, 7, 8 and 9 would have their own districts with three representatives each. The West Side -- Wards 10, 11 and 12 -- would become one district with eight representatives.

"Cohesivity," Buckley said, "you look for districts to have a community of interests, such as libraries, shopping areas, churches, etc."

He said it is hard to argue that a Manchester resident of the northeast corner of Ward 2 involving Hogback has the same community of interest as someone living in Finnerdale or near the Bedford line.

"The issue is, does it make more sense to have eight state legislators running on the West Side, or 11 from one corner to the other," Buckley said.

The issue is not so simple elsewhere. One example is Merrimack District 34 where a vacancy has already triggered much political posturing. The proposed changes would certainly impact that special election.

District 34's ex-House members serve Bradford, Henniker, Hopkinton,

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Newbury, Sutton, Warner and Webster. Its current representatives are Republican David Currier and Democrat Richard French from Henniker and Democrats Derek Owen and Christine Hann and Republican Richard "Stretch" Kennedy from Hopkinton.

The open seat was occupied by J.D. Colcord, R-Warner. Former Rep. Beth Rodd, D-Bradford, and three Republicans are running.

The new lineup would break the district into three parts. Sutton and Newbury would be a district with one representative. Bradford and Henniker would form another district with two seats. Hopkinton, Warner and Webster together would elect three representatives.

Grafton District 17, with seven House members, includes the Democratic stronghold of Hanover and six smaller towns: Lyme, Canaan, Dorchester, Enfield, Grafton and Orange.

Under the new plan, Hanover and Lyme would form one district with four representatives. The five towns in the east would become a three-seat district.

District 17 is represented entirely by Democrats, four from Hanover and one each from Lyme, Canaan and Enfield. If the revision passes, one of the five incumbents from Hanover and Lyme could not be renominated.

Another bill the Election Law Committee is supporting -- on a 9-5 vote -- would make the next redistricting plan a concurrent resolution, not a bill. That would mean a future governor could not veto the Legislature's plan as Gov. Jeanne Shaheen did in 2002, which resulted in the Supreme Court redrawing the political boundaries.

Redistricting is never pretty.

Won't go away: Another issue that may return next session is the question of who sets electric rates.

When the state backed away from full deregulation several years ago after the California fiasco, lawmakers set the rates for transition service. That law runs out in February, when rates are supposed to be set by state regulators based on actual costs.

Two recent incidents have some suggesting the issue be revisited: the projected 9 percent hike in Public Service of New Hampshire's electric rates beginning Feb. 1, and the proposal to convert one of three coal burning boilers at Schiller Station in Portsmouth to a wood burning unit.

Although no bills have been filed to deal with the issue, the Senate last session held SB 230 for more study, which dealt with transition service and the sale of PSNH's generation assets. Among its sponsors are Chilton Below, D-Lebanon, and two Manchester senators, Republican Ted Sutula and Democrat Lisa D'Alessandro.

Open seats: Gov. Craig Benson has a lot of big potholes to fill, but many require the agency commissioner to submit a nomination to the governor.

For example, Transportation Commissioner Carol Murray is in holdover status. Benson, despite singing her praises last week, has yet to re-nominate her.

The senior-most commissioner in post has been vacant since the resignation of Gilbert Rogers. The director of administration position has been open since former House Speaker Douglas Scanlon retired. Jim Marshall, the director of the Division of Public Works and Transportation, has been in holdover status since the beginning of the year.

Benson has people in mind, but the nominations have to come from Murray -- or whoever is commissioner.

A similar situation exists with the director of the State Police. Commissioner Richard Flynn has to nominate someone, but Benson has some people in mind.

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Moving on Long-time New Hampshire radio newscaster and spokesman for U.S. Rep. Charles Bass, Sally Donna Tibbets, will leave the congressman's staff at the end of the year, although she will help with the transition from Florida, where she'll be moving.

Her husband Gary, son of the late Don Tibbets, the long-time Dome column writer and State House bureau chief, has accepted a job in Sarasota.

Here's wishing you both all the best in your new surroundings.

More moving on The long-term postmaster of the State House, David Duncan, will retire at the end of the year. Duncan has worked 30 years for the U.S. Postal Service and has been the primary postman in the State House for 14 years.

Benson gave him a commendation at last week's Governor and Executive Council meeting.

Past and present Over the past 25 years, Executive Councilor Raymond Burton, R-Bath, has had 116 student interns who have earned academic credit.

An event to honor the program will be held across from the State House at the Eagle Court Deli from 5 to 7 p.m. on Jan. 7. Michelle Fietak, professor of political science at Plymouth State University, will speak on internships throughout the state.

Tickets are \$30 and benefit the New Hampshire Student Intern Fund, which assists students with expenses.

A big mistake Last week, a column item about the New Hampshire Political Library's first awards night implied that Bob Molloy of Molloy Sound and Video was dead. Well, Bob is very much alive and will be supplying the sound system for the library's event. My apologies.

Promises listed Earlier this fall, Rep. Ted Leach, R-Hancock, wrote a letter to Benson saying he did not believe it was appropriate for the state's official Web site -- paid for by taxpayers -- to be promoting the Taxpayers' Bill of Rights or "Craig's Accomplishments" and suggested that a more appropriate place would be Benson's campaign site.

Last week Benson replied that he appreciates Leach's thoughts, but believes the people of New Hampshire want to know whether the governor they elected has delivered on his promises.

Benson lists those promises as fight taxes and control spending, reform health care, create jobs, protect New Hampshire families, reform education, upgrade state government to the 21st century and bring entrepreneurship to state government.

Celebrating Christmas At the breakfast meeting at the Bridges House before last week's Executive Council meeting, several councilors asked about the musical abilities of Benson administration liaison Kevin Smith. The governor suggested they go to the piano and sing Christmas carols.

The piano was out of tune, but the governor, the councilors, Press Secretary Wendell Packard and Deputy Attorney General Kelly Ayotte all joined in.

Later at the Council meeting, Smith read his version of "The Night Before Christmas." Some of the poem, greeting Santa Claus, went like this:

"A dream in District 1, to go east to west one day,

So, councilor, I give to you,

The Ray Burton North Country Interstate Highway

For the councilor in District 2 an avid fly fisherman no doubt

I have renamed the state fish in honor of you,

Now all will fish for the Peter Spaulding Trout
The Isle of Shoals is a New Hampshire gem, that certainly is the truth,
What better way to honor their pride, than to rename them the Isle of Ruth
The counselor in District 4, about time you get your own box,
When this new stadium by the river should (not far from other them),
But for the new home of the Red Sox
The conservative counselor from District 5, an area with not many liberal
haters,
I've guaranteed your reelection for years to come
By declaring Keene the new home of the 20,000 Free States
Finally, Gov. Benson, the elves know I'm your number one fan,
Your legacy shall live in New Hampshire lore,
They've carved out your profile to replace the Old Man
And one section of Smith's handiwork included this couplet
"When suddenly beneath the Gold Dome, I heard a shout of Ho Ho Ho!"
"Under the State House Dome?" said Craig, "That sounds like Garry Rayno!"
That said, may you all have a very Merry Christmas
— Garry Rayno is State House Bureau Chief for The Union Leader and New
Hampshire Sunday News

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NewsBank will respond to all inquiries by 10:00 a.m. on weekdays and 12:00 p.m. on Saturdays.

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EXHIBIT 6

From: Justice, Seth
To: [REDACTED]
Subject: FW: Time to Celebrate Fri 7/17, Spm, RSTP Pages
Date: Wednesday, July 15, 2020 5:33:41 PM

-----Original Message-----

From: Kevin Smith [mailto:kevin.smith@...]
Sent: Tuesday, July 14, 2009 12:30 AM
To: Ayotta, Kelly
Subject: RE: Time to Celebrate! Fri 7/17, 5pm. RSVP Please

Hey Kelly - is there a good number I can reach you on some time? Thanks..

Kevin

Subject. RE: Time to Celebrate! Fri 7/17, 5pm. RSVP Please

Date: Mon, 13 Jul 2009 14:39:18 -0400

From Kelly.Ayotte@doj.nh.gov

To: pyoung@calypso.com, JimRubens@aol.com; tb@tomboucher.com, HHeasall@comcast.net, dave@wmlhurches.org; edhallee@comcast.net; toll@ttdc.net, reppas@ttdc.net, tpamith@tadrunner.com, NtrinaSweet@swettasociates.com; esangut@sheehan.wa.me; ireellim@sheehan.com, lmurphy@sheehan.com; nboudreau@calypso.com, palmer.jana@infans.org, frappetter@rcn.com, megfirs@comcast.net, jeanne@viking.mv.com; Pnakimball@aol.com; derryap@juno.com; DQuinlan@RCBM.org; mtrumbley@tds.net; DonnaSytek@aol.com, liz@unitedwync.org, effenberg@childrens.org; affliwep@worldpath.net, petchinks@verizon.net, DavidLV@myfairpoint.net; rsdavis@emlot.com; tom keane@netrocky.com; SCUON@sheehan.com, rjdoolan@ncsl.net, lsernh@comcast.net, murtha.fullerclark@reg.state.nh.us; soren.ahmy@comcast.net, katrina.west@comcast.net, neil.levensque@gmail.com, rd@nhcf.org; KLPnhcf.org, tnf@myfairpoint.net; msnmns@rhrd.com, kustrikenhu1@aol.com; sruwer@whchitawood.com; SBS1293@aol.com; Ann Rife@nj.gov, b.milroy@valley.net; Sam@BurtCohen.com; dan@horion.com, dambase@comcast.net, lisa@jonesandvalleyfair.org; lha@njvalley.net, me@trouble@madrunner.com; ejohnson@meincast.net; pglw@comcast.net, pmr@laushlin@comcast.net, wazte@nfieldsh.us

Dear Carlton Members

I appreciate the kind invitation to Kainali's home. Unfortunately, I cannot make it on Friday. It has been a privilege to be part of this important and diverse coalition which is dedicated to preserving our quality of life in Nir. I wish you will in the future. Please keep up the good fight. All the best, Kathy

-----Original Message-----

From: Paul Young (mailto:pyoung@calypsocom.com)

Sent: Tuesday, July 07, 2009 10:46 AM

Tel: JimRubens@aol.com, lb@tonboucher.com; KHansen29@comcast.net,
David@nhchurch.org, edhans@comcast.net, bill@at.net, rapha@tkc.net;
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Invelkour@shoehan.com; kmurphy@shoehan.com; Nicolas Boudreau, palmer.jones@nhms.org;
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 tom keane@netrocky.com; SGOOK@sheehan.com; rjdoolan@ncda.net; itsenh@comcast.net,
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 S852893@aol.com; Rice, Ann; b stakroy@valley.net, Burt@BurtCohen.com; dan@hodin.com,
 davehese@comcast.net; haroldjaneway@myfairpoint.net; Ayotte, Kelly; Harding@valley.net;
 melbrooks@roadrunner.com; njulasp@metrocaster.net; pghu@comcast.net,
 pmclaughlin@metrocaster.net; rcrate@enfield.nh.us
 Subject: RE: Time to Celebrate! Fri 7/17, 5pm, RSVP Please

Unfortunately, I will be out of town that day so I will not be able to join you. But I did want to congratulate everyone again and thank you all for your hard work and for providing us with the PR ammo for our sling shot to help take down Goliath!

Enjoy the evening, and thank you Katrina for hosting the event.

Paul

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From: JimTubens@aol.com [mailto:JimTubens@aol.com]

Sent: Monday, July 06, 2009 1:11 PM

To: tb@tombocher.com; HHansen29@comcast.net, david@nhchurches.org,
 ednaite@comcast.net, JimTubens@aol.com; toll@tdc.net; rppbs@tdc.net;
 tpsmith@roadrunner.com, KatrinaSwett@swettassociates.com; esargent@sheehan.com,
 livelleus@sheehan.com; lmurphy@sheehan.com, Paul Young; Nicolas Boudreau,
 palmer.jones@nhms.org; fainpotter@scs.com, megiris@comcast.net; jeanne@viking.nv.com,
 FredMcGill@aol.com, derryrep@juno.com; DQuinlan@RCBM.org, mtronbley@tds.net;
 DonnaSytek@aol.com, lzh@unitedwync.org; ellineberg@childrenh.org; affiwep@worldpath.net;
 patchinkie@verizon.net, DavidLV@myfairpoint.net, rsdavis@emlot.com;
 tom keane@netrocky.com, SGOOK@sheehan.com; rjdoolan@ncda.net, itsenh@comcast.net;
 martha.fullerclark@leg.state.nh.us, susan almy@comcast.net; katrinaswett@comcast.net,
 nell.levesque@gmail.com; ro@nhcf.org; lf@nhcf.org; tnhrep@myfairpoint.net,
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 kelly.ayotte@dcj.nh.gov; lharding@valley.net, melbrooks@roadrunner.com,
 njohnson@metrocaster.net, pghu@comcast.net, pmclaughlin@metrocaster.net, rcrate@enfield.nh.us
 Subject: Time to Celebrate! Fri 7/17, 5pm, RSVP Please

Dear Anti Casino Statists,

We pulled off a monumental upset win and deserve some laughter and pats on the back
 So let's celebrate!

GSCAEG board member Katrina Sweet has offered to host us

Friday, July 17 5 00 - 6 30 pm

At the Sweet's home
[REDACTED]

Light summer supper provided

RSVP 225 1072 office or [REDACTED]

Best,

Jim Rubens
Granite State Coalition Against Expanded Gambling
www.NoSlots.com

An Excellent Credit Score is 750 See Yours in Just 2 Easy Steps!

Insert movie times and more without leaving Hotmail! See how.

11044303915

EXHIBIT 7

Binnie in crosshairs of conservative group

By JOHN DISTASO

Senior Political Reporter

15 hours, 8 minutes ago

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CONCORD – A conservative group's paid media campaign against Republican U S Senate candidate Bill Binnie continues today with the premiere of a television ad calling him "shockingly liberal "

New Hampshire-based Cornerstone Action has been joined in the latest hit on businessman Binnie by the New Jersey-based National Organization for Marriage in what Cornerstone executive director Kevin Smith said is a \$125,000 a buy on WMUR and cable outlets statewide

Smith said the ad is scheduled to air from today through next Tuesday It follows a Cornerstone-produced radio ad with a similar message that aired from July 22 to 28

"Much like the radio ad, this television ad is to point people to the fact that Bill Binnie is not a conservative," said Smith "He keeps saying he is, but he's not, in his own words "

He said Cornerstone Action was "bolstered by the response to the radio ad," which included several news stories in state and national media and Cornerstone's "best fundraising week in the last six months "

Binnie criticized the ad on GOP primary for Kelly Ayotte

"It's clear this ad is backed by Kelly Ayotte's supporters," he said "It's a dirty trick and grossly misleading Shame on her "

Smith said Cornerstone Action's PAC has no plans to endorse a candidate in the seven-candidate GOP Senate primary "at this point "

The only candidate it has endorsed so far is Jennifer Horn in the 2nd District U S House GOP primary

The new television ad cites Binnie's pro-choice and pro-same sex marriage positions and an online news story in which Binnie said that although he would have voted against the Barack Obama-backed health care bill he "saw elements that he liked including insurance exchanges "

In the ad, Binnie is shown telling the Hillsborough County Republican Committee in January that he is pro-choice as an announcer says "Binnie supports abortion to avoid the expense of disabled children "

The accusation is based on Binnie's word in a video of the January meeting

The video shows Binnie saying that before one of his children was born his wife "had a positive amniocentesis test We were going to have a special needs child "

He went on to say, "Now in my wife's case, in my case, we could afford it and I thought about it and we had that child Because I can afford it and my family was old enough to sit down and talk about it "

As it turned out, he said, "We were very blessed and in a one in 100 chance, we had what's called a false positive and our child was born healthy "

He said that as a result he is pro-choice because "a government has no place in that decision "

11044303916

The Cornerstone ad also alleges that Binnie is "excited about gay marriage," citing a Concord Monitor story from November 2009

In that story, Binnie's former spokesman, Colin Maynard, is quoted as saying that Binnie is "excited (New Hampshire's same-sex marriage law) chose to give an option for gay couples to identify themselves as married within the law, but also having an opt-out for churches "

The ad also alleges that Binnie has said "he's open to imposing" a value-added tax

It cites a video of Binnie speaking in Windham in May, in which he says, "I'm looking for a value-added tax "

A Binnie spokesman said at the time Binnie does not support a value added tax

The ad also cites a Chicago Tribune story written in 2003, in which Binnie, then an independent, says, "I don't like the Republican Party "

The ad concludes, "With these shockingly liberal positions, it's no wonder Bill Binnie says he doesn't like the Republican Party "

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